

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NOCERA, Carmelo; CECCONI, Vito

SERIAL NO.: 10/518,984

ART UNIT: 1722

FILED: June 23, 2005

EXAMINER: Fetsuga, R. M.

TITLE: SIPHON FOR SINK OR SIMILAR ELEMENT

Amendment C: REMARKS

Upon entry of the present amendments, Claims 14-16 remain in this case. Claims 14 has been amended so as to place the claims into a condition for appeal.

The present amendments are being entered under 37 C.F.R. § 1.116 and 37 C.F.R. § 41.33. Specifically, the claims are being presented under 37 C.F.R. § 1.116(b)(2) so as to place the claims into a better condition for appeal. The Final Rejection was based upon a repeated rejection on failing to distinguish the claimed subject matter from the prior art Shinn patent. The present amendment also corrects the claim language to address the rejection under 35 U.S.C. §112, first paragraph.

Applicant has presented this amendment so as to narrow the issues for appeal. The enablement rejection has been traversed by eliminating the problematic language. The Examiner is correct to recognize that the locking means is attached to the lower portion and the upper portion. There is no indication that the subject matter of the invention can function with attachment to just one of the lower portion or upper portion. This claim language has been removed from Claim 14, such that enablement is not an issue for appeal. Furthermore, no new subject matter has been added, and no new search is required by the deletion of this language.

The amendment also includes further restriction of the locking means of the present invention. Applicant recognizes that the subject matter of a "snapping" engagement of the locking

means was determined to be patentable over the Shinn patent ever since the first Office Action on November 1, 2005. The subsequent amendments have been unsuccessful in presenting satisfactory claim language for reciting this important difference between the present invention and the Shinn patent. The present amendments are another attempt to present allowable claim language to accurately and concisely claim the inventive feature of this invention. The "curved edge" is disclosed as part of Figure 1 and reference numeral 15. The "stop abutment" is discussed as "stop 16" in the specification and shown in Figure 1. No new matter has been added by these amendments, and no new search is required by the addition of these limitations because the locking element of the locking means has been disclosed since entry into the national stage. No new search is required for consideration of a locking means.

On this basis, Applicant contends that Claims 14-16 are now in a proper condition for consideration on appeal.

Respectfully submitted,

January 2, 2007

Date

Customer No. 24106

/Andrew W. Chu/

John S. Egbert; Reg. No. 30,627

Andrew W. Chu; Reg. No. 46,625

Egbert Law Offices

412 Main Street, 7th Floor

Houston, Texas 77002

(713)224-8080

(713)223-4873 fax